

REMARKS

In response to the Office Action dated February 17, 2005, Applicants respectfully request reconsideration of the pending claims. Claims 1-17 and 24-27 are currently pending in this application. No claims are amended herein. To further the prosecution of this application, Applicants submit the following remarks.

Objections to the Drawings

In response to the notification in the Office Action that certain reference numerals were either missing from or redundant in Figures 1 and 2, Applicants submit herewith amended Figures 1 and 2 with corrected and removed reference numerals, respectively. No new matter has been added and approval of these amended figures is respectfully requested.

Claim Rejections

Claims 1-8, 10, 12, 15, 17 and 24-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kurschat (U.S. Patent No. 5,064,209) in view of Malick (U.S. Patent No. 3,399,742). Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kurschat in view of Malick and further in view of McClellan (U.S. Patent No. 3,387,859). Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kurschat in view of Malick and further in view of Duncan (U.S. Patent No. 5,427,390). Claims 13-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kurschat in view of Malick and further in view Examiner's Official Notice. Applicants respectfully traverse all of these rejections because they are all based, at least in part, on the combination of Kurschat and Malick and one of ordinary skill in the art would not be motivated to combine Kurschat and Malick.

In particular, to combine Kurschat and Malick would defeat the essential purpose of Malick and, therefore, the combination cannot be “suggested” by either reference. Malick is directed to a powered unicycle. As is well known in the art, a unicycle is steered by the user leaning such that the center of gravity of the unicycle creates a torque with respect the point of ground contact of the single wheel of the unicycle. Attaching the trailer (10) disclosed in Kurschat to the unicycle disclosed in Malick would defeat this. That is, adding a trailer to the unicycle of Malick would render Malick unsatisfactory for its intended purpose – the unicycle would simply not function as a unicycle. It is well established law that if a modification to a prior art renders the prior art unsatisfactory for its intended purpose the modification cannot be suggested. MPEP §2143.01 (“THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE”) (capitals in original). The basis for this principle is the decision of the Federal Circuit in In re Gordon, 221 USPQ 1125 (Fed. Cir. 1984).

Furthermore, the MPEP goes on to state that “THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE.” Id. As discussed above, adding a trailer to a unicycle would change the principle operation of a unicycle. The combination would not be a unicycle at all but, rather, a tricycle (the trailer in Kurschat has at least two wheel). It goes without saying that the principle of operation of a tricycle is vastly different than that of a unicycle.

Accordingly, Applicants respectfully assert that, under well established law, the combination of Kurschat and Malick is not suggested and does not render the claimed

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invention obvious. As such, the rejection of claims 1-17 and 24-27 based on the combination of Kurschat and Malick is improper and should be withdrawn.

Conclusion

It is believed that the application is in condition for allowance. Consideration of the application and issuance of a notice of allowance are respectfully requested.

Respectfully submitted,



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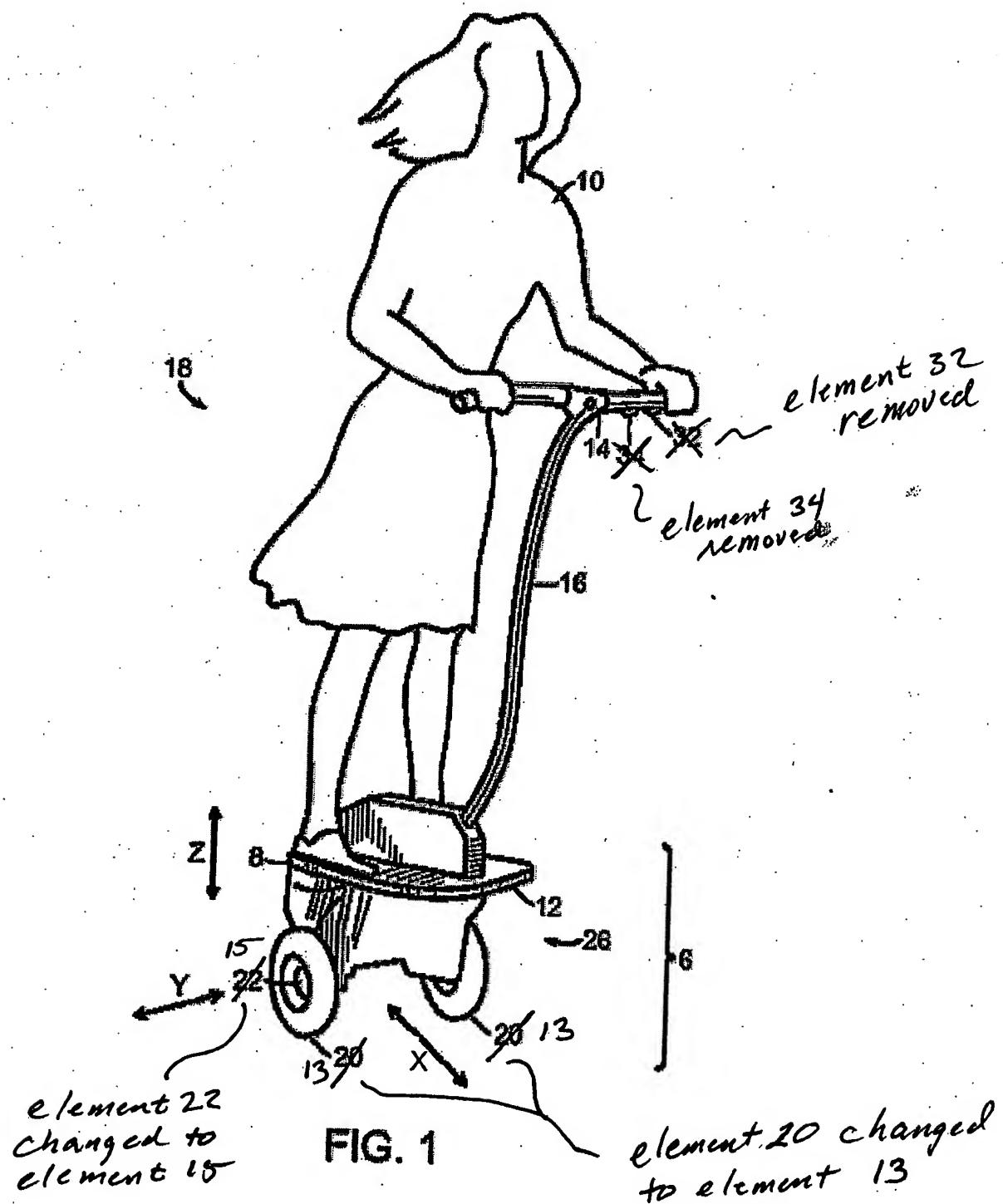
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Amendments to the Drawings

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets replace the original sheets that included Figs. 1 and 2. In Fig. 1 reference numeral 20 was changed to 13, reference numeral 22 was changed to 15, and reference numerals 32 and 34 were removed. In Fig. 2 reference numeral 12 was removed.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

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Annotated Sheet Showing Changes

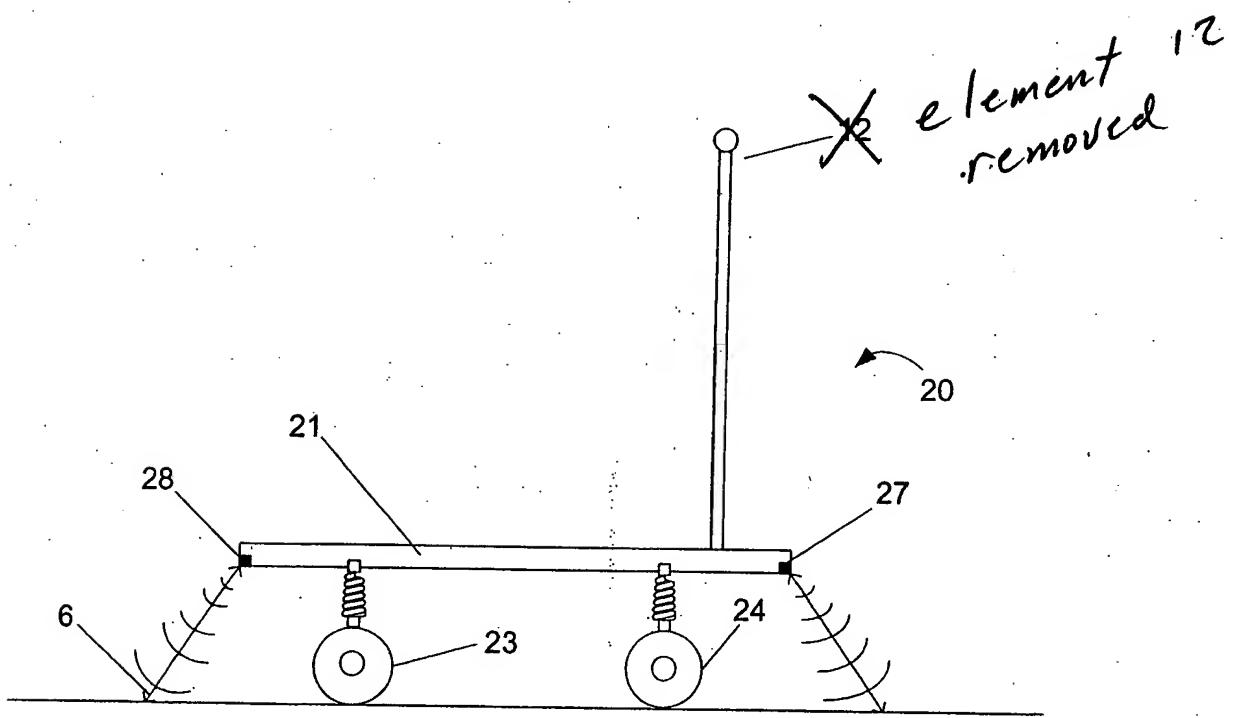


Figure 2